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47953 7590 05/18/2007 LAW OFFICE OF KARRY W. WANG 3342 PARK RIDGE DR RICHMOND, CA 94806			EXAMINER CHANNAVAJJALA, SRIRAMA T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/828,799	Applicant(s) RUSSELL, LARRY L.	
	Examiner Srirama Channavajjala	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>5/3/2007</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Amendment

This Application is a DIVISIONAL of **09/746,260**, is now **US Patent No. 6823332**.

1. Claims 1-8 are presented for examination.
2. Examiner acknowledges applicant's amendment filed on 3/19/2007.
3. Claims 1,5, have been amended [3/19/2007].

Drawings

4. The Drawings filed on 04/22/2004 are acceptable for examination purpose, however, formal drawings are required in response to this office action.

Priority

5. Acknowledgment is made of applicant's claim for domestic priority based on Parent Application No. 09/746,260 and provisional application No. 60/171,620, 60/181,047 filed on 12/23/1999, and 2/8/2000 respectively under 35 U.S.C. 119(e).

35 USC § 112

6. In view of applicant's amendment to claims 1,5, and remarks at page 7-8, the rejection under 35 USC 112 as set forth in the previous office action is hereby withdrawn.

35 USC § 101

7. In view of applicant's remarks at page 8, the rejection under 35 USC 101 as set forth in the previous office action is hereby withdrawn.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. ***Claims 1-3,5,7-8 are rejected under 35 U.S.C. 102(a) as being anticipated by Wugofski, Theodore et al. [hereafter Wugofski], WO 99/35845, published on 15 July 1999.***

10. As to claim 1, A method of providing directed search for a web site address broadcast on television' [page 5, line 24-26], Wugofski specifically teaches user accessing networked television program services particularly websites about specific television channels or programs as detailed in page 5, line 24-26;

'creating a database containing one or more web site identifiers input by an advertiser associated with the television broadcast of the web site address' [page 5, line 28-29, page 6, line 1-4, page 6, line 29, page 7, line 1-3], Wugofski specifically teaches web site identifiers input by the advertiser for example as detailed in page 7, line 2-3;

'permitting a user to search the database by inputting at least one of the web site identifiers' [page 7, line 5-9, line 18-22], Wugofski specifically suggests

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user searching and selecting required website from the website window as detailed in page 7, line 18-20;

‘providing to the user a search response including one or more web site addresses broadcast on television’ [page 7, line 10-14], Wugofski specifically suggests search results displays the current program, i.e., displaying the website window and television program as detailed in page 7, line 12-14;

‘wherein the one or more web site identifiers include at least one member of the group consisting of’ [page 5, line 24-26]

a location where the user received the television broadcast of the web site address’ [page 5, line 24-29, page 6, line 1-4], Wugofski suggests database maintains specific websties about specific television channels or programs as detailed in page 5, line 25-26;;

‘a time of day or date or dates when the user received the television broadcast of the web site address’ [fig 5, page 7, line 16-17], fig 5 specifically displaying time, date, and day of specific television program from web site;

a channel number or call-letters for the station on which the web site address was broadcast’ [page 5, line 28-29, page 6, line 1-4, fig 3], Wugofski specifically suggests web site address or URL address, program or channel identifiers, in a data structure as detailed in fig 3;

the name of a television program the user watched when the web site address was broadcast’ [page 6, line 29, page 7, line 1-3], Wugofski specifically suggests time, program identifier and web site for example NBC, and Scinfeld and like as detailed in page 7 line 1-3.

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11. As to claim 2, Wugofski disclosed 'wherein the search response further includes information related to a web site associated with the web site address broadcast on television' [page 4, line 14-16, fig 1, fig 5].

12. As to claim 3, 8, Wugofski disclosed 'wherein the one or more web site identifiers further include at least one member of the group [fig 3]

'a product or products associated with the web site address; a service or services associated with the web site address' [page 8, line 21-22, line 24-25];

'a subject matter of interest associated with the television program or the web site address broadcast on television' [page 8, line 10-12]

'the name of a host, celebrity or personality associated with the television program' [page 7, line 16-17, fig 2].

13. As to claim 5, Wugotski teaches a system which including 'A method for creating a directed search database of web sites broadcast on television' [page 5, line 24-26], Wugofski specifically teaches user accessing networked television program services particularly websites about specific television channels or programs as detailed in page 5, line 24-26];

'providing each of a plurality of information providers access to a secured portion of the database [page 5, line 26-29], Wugotski specifically suggests user defined data records, particularly, each record is identified or includes computer service identifier field as detailed in fig 3, element 113D;

providing each information provider one or more identifier categories' [page 6, line 1-4], information categories corresponds to various fields in the relational field as detailed in fig 3;;

allowing each information provider to store in the secured portion of the database one or more identifiers associated with a web site broadcast on television, each identifier corresponding to an identifier category' [page 6, line 17-19, fig 2-3];

creating a search query with the one or more identifier categories' [page 7, line 4-9], search query corresponds to searching computer-services database as detailed in step 230;

'wherein the one or more web site identifiers include at least one member of the group consisting of: [page 5, line 24-26]

a location where the user received the television broadcast of the web site address' [page 5, line 24-29, page 6, line 1-4], Wugofski suggests database maintains specific websties about specific television channels or programs as detailed in page 5, line 25-26;;

'a time of day or date or dates when the user received the television broadcast of the web site address' [fig 5, page 7, line 16-17], fig 5 specifically displaying time, date, and day of specific television program from web site;

a channel number or call-letters for the station on which the web site address was broadcast'. [page 5, line 28-29, page 6, line 1-4, fig 3], Wugofski specifically suggests web site address or URL address, program or channel identifiers, in a data structure as detailed in fig 3;

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the name of a television program the user watched when the web site address may have been broadcast' [page 6, line 29, page 7, line 1-3], Wugofski specifically suggests time, program identifier and web site for example NBC, and Scinfeld and like as detailed in page 7 line 1-3

wherein a user searches the database by inputting at least one identifier in the search query [page 5, line 28-29, page 6, line 1-4, page 6, line 29, page 7, line 1-3], Wugofski specifically teaches web site identifiers input by the advertiser for example as detailed in page 7, line 2-3 , and a search result including a web site associated with the input identifier is provided when the search query is executed' [page 7, line 18-20].

14. As to claim 7, Wugofski disclosed 'each information provider to store in the secured portion of the database non-identifier information relating to the web site' [page 7, line 14-17].

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Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16. ***Claims 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski, Theodore et al. [hereafter Wugofski], WO 99/35845, published on 15 July 1999 as applied to claims 1, 5 above, and further in view of Toki, US Patent No. 5895462 published on April 20, 1999.***

17. As to claim 4, 6, Wugofski does not suggest 'database is password protected'. On the other hand, Toki disclosed [col 11, line 33-45], Toki specifically teaches login name field, password field as detailed in fig 14.

It would have been obvious to one of the ordinary skill in the art at the time of Applicant's invention to incorporate the teachings of Toki into associating web sites to the television programs of Wugofski et al. because both Wugofski, Toki

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are directed to network related web sites and broadcasting television programs, more specifically both Wugotski, Toki teaches users searching on-line web sites for various television broadcasting programs [see Abstract; Toki: Abstract], also, both Wugotski, Toki specifically teaches data structure related to service database records [see Wugotski: fig 3; Toki, fig 14] and both teach PC related TV broadcast programs [see Wugotski: fig 1, page 4, line 14-16; Toki: col 11, line 33-37] and both are from same field of endeavor.

One of the ordinary skill in the art at the time of Applicant's invention to incorporate the teachings of Toki into associating web sites to the television programs of Wugofski et al. because that would have allowed users of Wugotski to incorporate additional fields related to database access, specifically, password field, login name field in the data structure [see Toki: fig 14], so that specific user id controls the access to the database contents and user to select and execute respective information as and when required as suggested by Toki [col 3, line 39-50].

Response to Arguments

18. Applicant's arguments filed on 3/19/2007 with respect to claims 1-8 have been fully considered but they are not persuasive, for examiner's response, see discussion below:

a) At page 9, applicant argues that Wugofski teachings are of a non-analogous art.

As to the argument [a], examiner disagree with the applicant because, firstly, Wugofski is directed to "web sites to television programs", more specifically, users of Wugofski allowing users to integrates computers with television such that users have access to "on-line" computer services such as "websites" . Therefore, Wugofski specifically teaches not only includes data about websites , but also allows users to logically relate data to specific required television programs [see Abstract]. It is also noted that Wugofski specifically searching databases results specific websites for example <<www.scinfeld.com; www.NBC.com; and www.comedy.com>> as detailed in page 7, line 4-9.

Therefore, applicant's remarks are deemed not to be persuasive, and claims 1-3,5,7-8 stand rejected under 35 USC 102(a) as being clearly anticipated by Wugofski et al.

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b) At page 10, applicant argues that present invention does not teach searching of TV programs. Rather, the present invention teaches a directed search for a product or service included in a website which is advertised on TV, which the user had already seen.....therefore, as a threshold matter, Wugofski not only does not anticipate the present invention, but it cannot be properly combined with other references to render the present invention obvious.

In response to applicant's argument [b] that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Wugofski is directed to home entertainment system, specifically PC-TV system that integrates television and computers into one system allowing users to not only switch between TV and PC, but also allowing to logically relate specific data to specific television program [see Abstract], further, it is noted that database stores "websites" and related records allows users to search and display website[s] [see page 7, line 5-9, fig 5], therefore, it allows users to interact with the website or computer service while also watching the television program [page 7, line 28-29].

Toki is directed to accessing information from a network , more specifically, Toki allows users to access various items such as "web page" on the internet because Toki provides information service database stores "URLs" in association with respective channels [see Abstract], further, Toki also allows users to search web addresses that are stored in a database for example as detailed in fig 8, col 8, line 21-31. It is however, noted that Wugofski does not specifically teach "database is password protected", although both Wugofski, Toki specifically teaches database not only stores information related to various "websites or URLs" related to television programs, but also allows searching databases. In addition to that, Toki teaches login name field, password field for specific user to access database [Toki: col 11, line 33-45]

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of Applicant's invention to incorporate the teachings of Toki into associating web sites to the television programs of Wugofski et al. because both Wugofski, Toki are directed to network related web sites and broadcasting television programs, more specifically both Wugofski, Toki teaches users searching on-line web sites for various television broadcasting programs [see Abstract; Toki: Abstract], also, both Wugofski, Toki specifically teaches data structure related to service database records [see Wugofski: fig 3; Toki, fig 14] and both teach PC related TV broadcast programs [see Wugofski: fig 1, page 4, line 14-16; Toki: col 11, line 33-37] and both are from same field of endeavor.

One of the ordinary skill in the art at the time of Applicant's invention to incorporate the teachings of Toki into associating web sites to the television programs of Wugofski et al. because that would have allowed users of Wugofski to incorporate additional fields related to database access, specifically, password field, login name field in the data structure [see Toki: fig 14], so that specific user id controls the access to the database contents and user to select and execute respective information as and when required as suggested by Toki [col 3, line 39-50].

Hence, applicant's remarks are deemed not to be persuasive, and claims 4,6 stand rejected under 35 USC 103(a) as being unpatentable over Wugofski et al as applied to claim 1,5, above, and further in view of Toki.

Conclusion

The prior art made of record

- a. US Patent. No. 5895462
- b. WO 99/35845

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC

Patent Examiner.

May 4, 2007.


SRIRAMA CHANNAVAJJALA
PRIMARY EXAMINER